

tions, providing that such associations are in no manner directly or indirectly connected, federated or associated with any such association and do not directly or indirectly contribute to the expense or support of any other such association, or to the officers, promoters or managers thereof, and providing that a majority of such officers shall be bona fide residents of the county in which such association is domiciled. The association above mentioned shall annually, on or before March 1, file a statement with the Commissioner of Insurance and Banking, which shall be signed and sworn to by the president, secretary and treasurer, or the officer holding positions corresponding thereto. Such statement shall show whether the association has, during the preceding year, done any business outside of the county in which it is domiciled, and shall state whether or not said association is associated, federated or directly or indirectly connected with any other, and shall show what, if anything, has been contributed during the preceding year by said association, or the members, to any person or officer or director thereof for salaries, commissions or promotion expenses, and the name and residence of the party or parties receiving the same. The Commissioner of Insurance and Banking may, at his option, and it shall be his duty, if not satisfied with said statement, to demand other and additional statements and examine the books, papers and records of said association, either himself or by some other suitable person authorized by him. Should it appear to the Commissioner of Insurance and Banking that any such local mutual aid association is not carrying on business as set forth in this article, and is not entitled to the exemption therein set forth, such association shall be subject to and comply with all provisions of this chapter as a fraternal beneficiary association. Every such local association claiming to be entitled to the benefit of the exemption created by this article shall plainly state upon its certificates, applications and all advertising matter, in a conspicuous manner, that said association is a local mutual aid association, or same shall be deemed subject to all provisions of this chapter concerning fraternal beneficiary associations.

Sec. 2. That all laws and parts of

laws in conflict herewith ought to be, and the same are hereby, repealed.

FIFTY-THIRD DAY.

Senate Chamber,
Austin, Texas,

Saturday, March 17, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Henderson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.

Absent.

Clark.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Johnson of Hall.

At Ease.

By unanimous consent, the Chair announced that the Senate would stand at ease until 2:30 o'clock p. m. today.

Afternoon Session.

The Senate was called to order at 2:30 o'clock p. m. by President Pro Tem. Henderson.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Stenographer Appointed.

The Chair announced the appointment of Miss Mary Adams as stenographer for Senator Hall, to take the place of Miss Lillian Oshman, resigned. The appointment to be effective from Friday, March 16th.

House Bill No. 526—Printed.

By unanimous consent and on request of Senator Alderdice, House Bill No. 526 was ordered printed in the Journal and the same will be found in the Appendix.

Bills and Resolutions.**Simple Resolution No. 128.**

Resolved by the Senate of Texas, That the unexpended portion of the amount allowed each Senator for telegraph and telephone accounts be prorated so as to be used to make up the excess of the expenditure of those Senators who have exceeded more than the amount of twenty-five dollars allowed them, and the Secretary of the Senate is instructed to secure the amounts of each Senator and make the distribution provided for herein.

BEE.

On motion of Senator Bee, the resolution was laid on the table subject to call.

Simple Resolution No. 129.

Whereas, the regular session of the Thirty-fifth Legislature of the State of Texas will adjourn sine die at 6 o'clock p. m., Wednesday, March 21, 1917; and,

Whereas, it is necessary to provide for the winding up of the affairs of the Senate of this Legislature, and it is necessary to have certain employees retained for certain necessary business in winding up the affairs of the session, after the membership have departed for their homes,

Therefore, be it resolved, That a committee of five be appointed by the President of the Senate to arrange for the printing of the Journal of the Senate of the Regular Session of the Thirty-fifth Legislature, and to

determine what post-session clerical work is necessary in order to properly wind up the business of the Thirty-fifth Legislature, and to determine what officers and employees shall be retained to perform such post-session clerical work, and to make such recommendations in the premises as to said committee may appear proper.

DEAN.

The resolution was read and adopted.

Morning call concluded.

(Senator Page in the chair.)

Senate Bill No. 326.

The Chair laid before the Senate on third reading:

S. B. No. 326, A bill to be entitled "An Act to aid the County of Chambers in rebuilding roads and bridges within said county, which were destroyed by a flood and storm in said county on August 16, 1915, by donating and granting to it, the said County of Chambers, the State ad valorem taxes and a part of the occupation and poll taxes collected on property and from persons in Chambers County for a period of ten years, and to provide a penalty for their misapplication."

The bill was laid before the Senate, read third time and passed finally.

Senator Hall moved to reconsider the vote by which Senate Bill No. 326 was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 785—Recalled From House.

Senator Bailey made the following motion:

I move that the House of Representatives be requested to return to the Senate

H. B. No. 785, A bill to be entitled "An Act to create a more efficient road law for Wilson County," etc.

BAILEY.

The motion was read and adopted.

Messages From the House.

Hall of the House of Representatives.
Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am instructed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 479, A bill to be entitled "An Act to create a more efficient road law for Duval County, Texas; fixing the compensation of the commissioners of Duval County when acting as ex officio road commissioners, and declaring an emergency."

Adopted the Free Conference Committee report on S. B. No. 95.

Concurs in Senate amendments to H. B. No. 815.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 475, A bill to be entitled "An Act creating the Girard Independent School District in Kent County, Texas, out of the territory known as the Girard Common School District No. 13 in said county, defining its boundaries and providing for the election of trustees therefor and authorizing the board of trustees to levy, assess and collect special taxes, and declaring an emergency."

S. B. No. 473, A bill to be entitled "An Act to create the Tahoka Independent School District in Lynn County, Texas, out of the territory known as Tahoka Common School District No. 2 in said county, defining its boundaries and providing for the election of a board of trustees therefor and authorizing the board of trustees to levy, assess and collect special taxes, conferring upon the board of trustees plenary powers, providing authority to issue bonds for the purpose of purchasing school building sites, and erecting, furnishing and equipping school buildings within the said district, to levy taxes therefor and to pay current expenses for the support and maintenance of said schools, providing for a board of equilization and prescribing

the duty and authority of said board and further providing the duty and authority of said board of trustees, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore levied, and declaring an emergency."

H. B. No. 843, A bill to be entitled "An Act amending Chapter 115, page 446, of the Special Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to authorize and empower Zavala County or any political subdivision or other defined district to issue bonds,' etc., by adding Section 15a thereto, providing for a salary and per diem for the members of the commissioners court of said county, while acting as ex officio road commissioners, and declaring an emergency."

The Huse has refused to pass S. B. No. 356 to its third reading.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair (Senator Page) had referred, after their captions had been read, the following House bills:

H. B. No. 843, referred to the Committee on Roads, Bridges and Ferries.

H. B. No. 222, referred to the Committee on Civil Jurisprudence.

H. B. No. 282, referred to the Committee on Civil Jurisprudence.

H. B. No. 91, referred to the Committee on Civil Jurisprudence.

H. B. No. 216, referred to the Committee on Federal Relations.

House Bill No. 52.

The Chair laid before the Senate, on third reading,

H. B. No. 52, A bill to be entitled "An Act to exempt from taxation all buffalo and catalo now in captivity in Texas, by whomsoever owned, where such animals are kept and used for experimental purposes in crossing same with cattle for the purpose of producing a better strain of beef, etc., and declaring an emergency."

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 700.

The Chair laid before the Senate on third reading,

H. B. No. 700, A bill to be entitled "An Act creating the Docum and Miller Common County Line School District, containing territory in Erath and Comanche Counties, Texas, including the territory of the school districts known as Miller and Docum Common School Districts of Comanche and Erath Counties, respectively; placing said common county line school districts under the jurisdiction of Comanche County, to be known as Common School District No. 110 of said county; a board of trustees therefor; vesting said district and board of trustees with all the rights, powers, privileges and duties conferred and imposed on common school districts and boards of trustees thereof, etc., and declaring an emergency."

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 716.

The Chair laid before the Senate on third reading,

H. B. No. 716, A bill to be entitled "An Act to amend the present Runnels County Special Road Law in raising the salaries of the commissioners of said county, so that they may receive \$540 for their services in any one year, and raising the salaries for services upon the roads of said county, and prescribing the maximum that each county commissioner may receive while acting as road commissioner of said county, and declaring an emergency."

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—22.

Alderdice.	Johnston of Harris.
Bailey.	King.
Bee.	Lattimore.
Buchanan of Bell.	McCollum.
Buchanan of Scurry.	Page.
Dayton.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Hopkins.	Suiter.
Hudspeth.	Westbrook.
Johnson of Hall.	Woodward.

Absent.

Caldwell.	Harley.
Clark.	Henderson.
Dean.	McNealus.
Gibson.	Parr.
Hall.	

Senator Woodward moved to reconsider the vote by which House Bill No. 716 was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 501.

(By unanimous consent.)

The Chair laid before the Senate an second reading:

H. B. No. 501, A bill to be entitled "An Act to make appropriations to cover the cost of permanent building and equipment of same for the use of the Texas State Quarantine Service at Sabine, Texas, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to third reading.

On motion of Senator King, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 501 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Johnston of Harris.
Bailey.	King.
Bee.	Lattimore.
Buchanan of Bell.	McCollum.
Buchanan of Scurry.	Page.
Dayton.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Hopkins.	Westbrook.
Hudspeth.	Woodward.
Johnson of Hall.	

Absent.

Caldwell.	Harley.
Clark.	Henderson.
Dean.	McNealus.

The bill was laid before the Senate, read third time and passed finally.

Senator King moved to reconsider the vote by which House Bill No. 501

was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 432.

The Chair laid before the Senate on second reading:

S. B. No. 432, A bill to be entitled "An Act to amend Article 6292 of the Revised Civil Statutes of the State of Texas for 1911; prescribing the fees that may be charged by the Texas State Board of Pharmacy."

The committee report that the bill be not printed was adopted.

The bill was laid before the Senate, read second time and on motion of Senator Robbins was passed to engrossment.

House Bill No. 813.

The Chair laid before the Senate on third reading,

H. B. No. 813, A bill to be entitled "An Act creating Smiley Independent School District in Gonzales County, Texas, etc., and declaring an emergency."

Senator Dayton offered the following amendment, which was read and unanimously adopted:

Amend House Bill No. 813 by striking out all of Section 12, and insert therein, in lieu thereof, a new section to be known as Section 12, to read as follows:

Section 12. All claims, demands, properties, moneys, rights, privileges and immunities of the old Smiley Independent School District shall be, and are hereby, transferred to the new Smiley Independent School District hereby created.

Amend House Bill No. 813 by striking out all of Section 2 and insert therein in lieu thereof, a new section to be known as Section 2, to read as follows:

Section 2. The territory hereby created into an independent school district is described by metes and bounds as follows: Beginning at the extreme south corner of the Henry Earthman league, thence N. 60 W. 4750 varas with the original district survey to the north corner of same; thence S. 30 W. 3750 varas to a stake; thence N. 60 W. 3000 varas to a stake in the R. S. Armstead survey; thence S. 30 W. 3700 varas and

intersects the east boundary line of the Nixon Independent School District; thence S. 14 E. 7200 varas with said Nixon Independent School line to a stake set in the Thomas Wright league; thence S. 60 E. 11,100 varas to a stake set in the J. R. Hubert survey; thence N. 30 E. about 12,300 varas to a point in the W. H. Cook survey about 400 varas south 45 E. from the east corner of the Samuel Cavett survey; thence N. 45 W. about 400 varas to the said Cavett east corner, and continuing with the Cavett northeast boundary line about 2010 varas, in all about 2410 varas to the said Cavett's north corner on the southeast boundary line of the Robert Sellers survey; thence in a northwesterly course about 5600 varas to the place of beginning; containing within these boundaries 30,894 acres of land or 48 $\frac{1}{4}$ square miles, more or less. Said boundaries include of the Robert Sellers, Sr., league 1174 A.; of the Robert Sellers, Jr., 3004 A.; of the Wm. Small league 4428 A.; of the Wade Horton 1789 A.; the R. S. Armstrong 531 A.; the Thomas Wright 2544 A.; the C. W. Petty 3560 A.; the David Moses 1897 A.; the Thomas Hannon 915 A.; the J. R. Hubert 390 A.; the John Coe 382 A.; the George Gwinn 2524 A.; the James Bostick 415 A.; the Peter Winn 4428 A.; the Wm. H. Cook 186 A.; the Samuel Cavett 640 A.; the C. J. Clements 621 A.; the Samuel Coplinger 1476 A.

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 319.

The Chair laid before the Senate on second reading,

H. B. No. 319, A bill to be entitled "An Act to amend Article 1974, Section 3, Chapter 59, page 113, of the General Laws of the State of Texas, passed by the Thirty-third Legislature at its Regular Session, relating to special instructions by the court."

The committee report that the bill be not printed was adopted.

Senator Smith offered the following amendments, which were read and adopted, being voted upon separately:

(1) Amend the caution of the bill

by changing the period after the word "session" to a comma, and adding thereafter the words, "and declaring an emergency."

(2) Amend the bill by adding thereto a new section to be known as Section 2, to read as follows:

"Section 2. The near approach of the end of the present session, together with the crowded condition of the calendar and the importance of the legislation herein contained, creates an emergency and an imperative public necessity, requiring that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is suspended, and this Act take effect and be in force from and after its passage, and it is so enacted."

The bill was read second time and passed to its third reading.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 319 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.	Johnson of Hall.
Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Henderson.	Westbrook.
Hudspeth.	Woodward.
Hopkins.	

Absent.

Caldwell.	Harley.
Clark.	McNealus.

The bill was laid before the Senate, read third time and passed finally.

Senator Smith moved to reconsider the vote by which House Bill No. 319 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Joint Resolution No. 2.

The Chair laid before the Senate on third reading:

S. J. R. No. 2, "A resolution propos-

ing an amendment to Article 3 of the Constitution of the State of Texas, by adding thereto a provision barring the right to bring suit for the collection of delinquent taxes after four years from the date of such delinquency."

The resolution was laid before the Senate read third time and adopted by the following vote:

Yeas—23.

Alderdice.	King.
Bee.	Lattimore.
Buchanan of Bell.	McCollum.
Buchanan of Scurry.	Page.
Dayton.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Hudspeth.	Westbrook.
Johnson of Hall.	Woodward.
Johnston of Harris.	

Absent.

Bailey.	Harley.
Caldwell.	Henderson.
Clark.	Hopkins.
Dean.	McNealus.

Senator Buchanan of Bell moved to reconsider the vote by which Senate Joint Resolution No. 2 was adopted and table the motion to reconsider.

The motion to table prevailed.

Messages From the House.

Hall of the House of Representatives.
Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for the return of House Bill No. 785; bill herewith transmitted.

Concurs in Senate amendments to House Bill No. 48 by the following vote: Yeas, 69; nays, 31.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 17, 1917:

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House con-

curs in Senate amendments to House Bill No. 783.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives

Senate Bill No. 370.

The Chair laid before the Senate on second reading,

S. B. No. 370, A bill to be entitled "An Act to amend Articles 628 and 632 of Chapter 2, Title 18, of the Revised Civil Statutes of the State of Texas (1911 compilation), said chapter being Chapter 7 of the General Laws of the First Called Session of the Thirty-first Legislature, 1909, entitled 'An Act to authorize any county or political subdivision or other defined district of the county, upon a vote of two-thirds majority of the resident property tax paying voters thereof who are qualified electors of such county or political subdivision or defined district of the county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision or defined district thereof,' etc., and to add to said chapter Articles 637a, 637b, 637c, 637d, 637e and 637f, providing that in any county wherein a road district or road districts have been formed or may hereafter be formed and have issued bonds for the purpose of constructing public roads, the commissioners court of the county shall, upon petition, submit to the qualified voters of the county the propositions as to whether or not bonds shall be issued for the purpose of purchasing or taking over the improved roads already constructed in said district or districts and of further constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes throughout such county, requiring the commissioners court to set apart from such county issue bonds in sufficient amount to retire all outstanding district bonds and prescribing the methods therefor either by exchange with the holder or holders of said district bonds or by depositing county bonds to the credit of such district or districts, providing for levy and collection of taxes for said county bonds and dispensing with taxes for said district bonds, authorizing the necessary ad-

justment of sinking funds, providing for the issuance and sale of county bonds in excess of the amount needed to retire district bonds and for expenditure of funds thus realized, prohibiting the overlapping of road districts or subdivisions of a county, providing for the proper investment of the sinking funds of road bonds, declaring that the interest arising from any such investment shall become a part of the sinking fund and prohibiting the diversion of said interest and said sinking fund for any other purpose, making the same a criminal offense, and providing suitable punishment therefor, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator McCollum, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 370 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	King.
Bee.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Dayton.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Hopkins.	Strickland.
Hudspeth.	Sulter.
Johnson of Hall.	Westbrook.
Johnston of Harris.	Woodward.

Present—Not Voting.

Bailey.

Absent.

Caldwell.	Hall.
Clark.	Harley.
Dean.	Henderson.
Gibson.	McCollum.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—23.

Alderdice.	Floyd.
Bee.	Hall.
Buchanan of Bell.	Hudspeth.
Buchanan of Scurry.	Johnson of Hall.
Dayton.	Johnston of Harris.
Dean.	King.
Decherd.	Lattimore.

McCollum.	Strickland.
Page.	Suiter.
Parr.	Westbrook.
Robbins.	Woodward.
Smith.	

Present—Not Voting.

Bailey.

Absent.

Caldwell.	Henderson.
Clark.	Hopkins.
Gibson.	McNealus.
Harley.	

Senator McCollum moved to reconsider the vote by which S. B. No. 370 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 467.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 467, A bill to be entitled "An Act to appropriate out of the general revenue not heretofore appropriated the sum of twenty-one thousand eight hundred thirty-two and eighty hundredths dollars (\$21,832.80) or so much thereof as may be necessary to defray the expenses of the Live Stock Sanitary Commission of Texas, in carrying out the provisions of C. S. S. B. No. 108, providing for the tick and sheep scab eradication for the fiscal year ending August 31, 1917, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 467 put on third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnson of Harris.
Buchanan of Scurry.	King.
Dayton.	Lattimore.
Dean.	McCollum.
Decherd.	McNealus.
Floyd.	Page.
Hall.	Parr.

Robbins.	Suiter.
Smith.	Westbrook.
Strickland.	Woodward.

Absent.

Bailey.	Harley.
Caldwell.	Henderson.
Clark.	Hopkins.
Gibson.	

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—25.

Alderdice.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Hall.	Strickland.
Henderson.	Suiter.
Hopkins.	Westbrook.
Hudspeth.	Woodward.
Johnson of Hall.	

Absent.

Bailey.	Gibson.
Caldwell.	Harley.
Clark.	McCollum.

Senator Hudspeth moved to reconsider the vote by which S. B. No. 467 was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 786.

The Chair laid before the Senate on second reading:

H. B. No. 786, A bill to be entitled "An Act to create a special fish law for Wood County, exempting said county from certain provisions of the general fish and game laws of Texas; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Suiter, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 786 put on

its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Dayton.	Page.
Dean.	Robbins.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.
Henderson.	

Absent.

Bailey.	McCollum.
Clark.	McNealus.
Harley.	Parr.
Hudspeth.	Smith.

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 465.

Senator Dean asked for unanimous consent to take up House Bill No. 465. There was objection.

Senator Dean moved that the regular order of business be suspended and that the Senate take up out of its order House Bill No. 465.

As a substitute, Senator Strickland moved that the regular order of business be suspended and the Senate take up out of its order House Bill No. 451.

Senator Westbrook moved the previous question on the substitute, which being duly seconded, the main question was ordered.

Action recured on the substitute motion to suspend the regular order and the motion was lost by the following vote:

Yeas—12.

Alderdice.	King.
Bailey.	McNealus.
Buchanan of Bell.	Robbins.
Decherd.	Smith.
Hall.	Strickland.
Hopkins.	Suiter.

Nays—14.

Bee.	Floyd.
Buchanan of Scurry.	Gibson.
Dayton.	Henderson.
Dean.	Hudspeth.

Johnson of Hall.	McCollum.
Johnston of Harris.	Parr.
Lattimore.	Westbrook.

Present—Not Voting.

Page.

Absent.

Caldwell.	Harley.
Clark.	Woodward.

Action then recurred on the motion of Senator Dean to suspend the regular order of business and take up House Bill No. 465, and the motion prevailed by the following vote:

Yeas—25.

Alderdice.	Johnson of Hall.
Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Dean.	McNealus.
Decherd.	Page.
Floyd.	Parr.
Gibson.	Smith.
Hall.	Strickland.
Henderson.	Suiter.
Hopkins.	Westbrook.
Hudspeth.	

Nays—1.

Robbins.

Present—Not Voting.

Dayton.

Absent.

Caldwell.	Harley.
Clark.	Woodward.

The Chair laid before the Senate on second reading.

H. B. No. 465, A bill to be entitled "An Act to provide for the purchase of a site for, and for the establishment, location and construction of an asylum to be known as the North-west Texas Insane Asylum for the care, treatment and support of white insane persons, and to make an appropriation therefor, and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator Dayton offered the following amendment:

Amend House Bill No. 465 by striking out four hundred thousand dollars (\$400,000.00) in Section . . . and insert in lieu thereof one hundred fifty thousand (\$150,000.00), to be used in enlarging the insane asylums at Austin, San Antonio and

Terrell, by using fifty thousand dollars (\$50,000.00) at each of said places.

DAYTON.

Senator Bailey made the point of order that the amendment is not germane to the bill.

The point of order was sustained.

Senator Dayton offered the following amendment:

Amend House Bill No. 465 by striking out in Section 7 "four hundred thousand dollars," and insert in lieu thereof "one hundred thousand dollars."

Senator Dean moved to table the amendment and the motion to table prevailed.

The bill was read second time and passed to its third reading.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 465 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Johnson of Hall.
Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.
Hudspeth.	

Nays—2.

Dayton.

Robbins.

Absent.

Caldwell.	Harley.
Clark.	McNealus.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—21.

Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Scurry.	Hudspeth.
Dean.	Johnson of Hall.
Decherd.	Johnston of Harris.
Gibson.	King.
Hall.	Lattimore.

McCollum.	Strickland.
Page.	Westbrook.
Parr.	Woodward.
Smith.	

Nays—5.

Alderdice.	Robbins.
Buchanan of Bell.	Suiter.
Dayton.	

Present—Not Voting.

Floyd.

Absent.

Caldwell.	Harley.
Clark.	McNealus.

Senator Dean moved to reconsider the vote by which House Bill No. 465 was passed and table the motion to reconsider.

The motion to table prevailed.

Reasons for Vote.

I vote "no" on House Bill No. 465 for the following reason:

I am convinced that to remove the negro insane to a separate asylum, as is provided in a bill now pending before this Senate, and then enlarge, to such extent as is necessary for the purpose of caring for all the white insane, our present insane asylums, will save to the State at least \$200,000.00 out of the appropriation proposed in this bill.

SUITER.

I vote "no" on final passage of House Bill No. 465 because I believe sufficient accommodation for the insane of this State could be had by additions to existing institutions at much less expense to the State than would be incurred by the establishment of a new institution.

ALDERDICE.

House Bill No. 365.

The Chair laid before the Senate on third reading:

H. B. No. 365, A bill to be entitled "An Act to permit S. S. Perry of Brazoria County, Texas, to bring suit against the State of Texas for an alleged damage growing out of an alleged breach of contract entered into by and between the said S. S. Perry and the Board of Prison Commissioners September 20, 1911."

The bill was laid before the Senate, read third time and passed finally.

Senator Hall moved to reconsider the vote by which House Bill No. 365

was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 785.

The Chair laid before the Senate on third reading:

H. B. No. 785, A bill to be entitled "An Act to create a more efficient road law for Wilson County, Texas, fixing the compensation of the commissioner's of Wilson County when acting as ex officio road commissioners, and declaring an emergency."

The bill was laid before the Senate, read third time and passed finally.

Senator Bailey moved to reconsider the vote by which House Bill No. 785 was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 451.

The Chair laid before the Senate on second reading:

H. B. No. 451, A bill to be entitled "An Act to provide for the location, establishment and construction of a hospital at Rusk, Texas, for the care, treatment and support of insane persons of the African race, or African descent, and granting the use of same, providing that the Governor of this State, the Comptroller of Public Accounts and the State Treasurer shall constitute a board to locate said asylum and to let all contracts for the establishment and construction thereof; making an appropriation therefor, and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator Buchanan of Scurry offered the following amendment:

Amend the bill by inserting "\$100,000.00 instead of "\$200,000.00," as the amount appropriated.

On motion of Senator Strickland, the amendment was tabled.

The bill was read second time and passed to its third reading by the following vote:

Yeas—21.

Alderdice.	Decherd.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Gibson.
Dean.	Hall.

Hopkins.	Page.
Hudspeth.	Parr.
Johnson of Hall.	Smith.
Johnston of Harris.	Strickland.
King.	Sulter.
Lattimore.	Woodward.
McCollum.	

Nays—4.

Dayton.	Robbins.
Henderson.	Westbrook.

Present—Not Voting.

McNealus.

Absent.

Bailey.	Clark.
Bee.	Harley.
Caldwell.	

On motion of Senator Strickland, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 451 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Dayton.	McCollum.
Dean.	McNealus.
Decherd.	Page.
Floyd.	Parr.
Gibson.	Robbins.
Hall.	Smith.
Henderson.	Strickland.
Hopkins.	Sulter.
Hudspeth.	Westbrook.
Johnson of Hall.	Woodward.

Absent.

Bailey.	Clark.
Bee.	Harley.
Caldwell.	

The bill was laid before the Senate, read third time and passed finally.

Senator Strickland moved to reconsider the vote by which House Bill No. 451 was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 733—Motion to Recommit.

Senator Dayton moved that House Bill No. 773 be recommitted to the committee on Civil Jurisprudence.

Senator Hopkins moved to table the

motion to recommit, and the motion prevailed by the following vote:

Yeas—12.

Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Suiter.
Hopkins.	Westbrook.

Nays—11.

Alderdice.	Lattimore.
Bee.	McNealus.
Dayton.	Page.
Gibson.	Strickland.
Hudspeth.	Woodward.
King.	

Present—Not Voting.

Hall.

Absent.

Bailey.	Henderson.
Caldwell.	McCollum.
Clark.	Parr.
Harley.	

House Bill No. 498—Refusal to Take Up.

Senator Buchanan of Bell asked for unanimous consent to take up House Bill No. 498.

There was objection.

Senator Buchanan of Bell moved that the regular order of business be suspended, and the Senate take up, out of its order, House Bill No. 498.

The motion was lost by the following vote:

Yeas—15.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Parr.
Caldwell.	Robbins.
Decherd.	Smith.
Gibson.	Woodward.
Hall.	

Nays—10.

Dayton.	Lattimore.
Dean.	Page.
Floyd.	Strickland.
Hudspeth.	Suiter.
King.	Westbrook.

Present—Not Voting.

Bailey.	Johnston of Harris.
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84—Sen

Absent.

Clark.
Harley.

Henderson.
McCollum.

(President Pro Tem. Henderson in the chair.)

Senate Bill No. 167—House Amendments Concurred In.

Senator Smith called up for consideration of the House amendments to

S. B. No. 167, A bill to be entitled "An Act to provide whole family protection for members of fraternal benefit societies, and declaring an emergency."

The following House amendments were laid before the Senate:

Amend Senate Bill No. 167 in Section 2 by inserting after the word "force" in line 5 of said section the words, "or have in force at time of issue of said certificates."

Amend Senate Bill No. 167 in Section 2 by striking out the words "such certificate" in line 7 and inserting in lieu thereof the words "like certificates."

On motion of Senator Smith the amendments were concurred in by the Senate.

Bills Signed.

The Chair (President Pro Tem. Henderson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 94, A bill to be entitled "An Act to amend Article 7394 of the Revised Statutes of 1911 so as to provide that the franchise tax on foreign corporations therein levied shall be based upon that proportion of the total issued and outstanding capital stock of such corporation as the gross receipts of such corporation from its intrastate business in Texas bears to its total receipts."

S. B. No. 95, "An Act to amend Article 3837 of the Revised Statutes of 1911, so as to provide that the permit fees for corporations payable to the Secretary of State under the provisions of Article 3837, Chapter 1, Title 58, of the Revised Statutes of the State of Texas shall be based upon the capital stock of corporations, domestic and foreign, issued

and outstanding, not to exceed the sum of twenty-five hundred dollars."

H. B. No. 237, A bill to be entitled "An Act to provide a more adequate system of laws relating to irrigation and declaring the unappropriated waters of the State the property of the State; authorizing their appropriation, storage and diversion for beneficial uses; perpetuating the Board of Water Engineers and prescribing its powers, duties and compensation, defining water rights and prescribing the method of acquiring, perfecting and preserving same; requiring application to be made to the Board of Water Engineers for permits to construct storage, diversion and distribution works, and prescribing the method thereof; etc."

H. B. No. 239, A bill to be entitled "An Act to diminish the civil jurisdiction of the county court of Falls County, Texas; conferring said civil jurisdiction upon the district court of said county and conforming the jurisdiction of said district court to said change; repealing all laws and parts of laws in conflict or inconsistent herewith, and declaring an emergency."

H. J. R. No. 27, Proposing an amendment to the State Constitution providing for the levy of a special tax to provide free textbooks in the public schools of the State of Texas; proposing to amend Article 7 of the Constitution by adding thereto a new section to be known as Section 16.

H. B. No. 599, A bill to be entitled "An Act to amend Chapter 76, General Laws, 1901, to create a more efficient road system for Erath County, etc., and declaring an emergency."

H. B. No. 653, A bill to be entitled "An Act to create a special road law for Cherokee County, and providing for levying and collecting a road tax, authorizing the commissioners court of said county to employ road superintendents and laborers on the public roads thereof, etc., and declaring an emergency."

H. B. No. 549, A bill to be entitled "An Act to prevent unnecessary cruelty in catching or killing of wild animals and to prevent live stock and other domestic animals from injury, and to prevent the extermination of wild animals usually hunted for

sport, and to forbid the setting of any trap, snare or device for taking, snaring, trapping or catching of same, and to prevent the taking, catching, killing or trapping of such animals, and to provide a punishment for so doing."

H. B. No. 238, A bill to be entitled "An Act to authorize the commissioners courts of the several counties of Texas to create and establish defined districts for irrigation purposes to be known as water improvement districts; empower such districts to construct reservoirs, dams, canals, laterals, ditches, pumping plants and other internal improvements necessary to irrigation systems; to order and hold elections for the purpose of voting on irrigation propositions, etc., and declaring an emergency."

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 701, A bill to be entitled "An Act to amend Chapter 124 of the General Laws of the State of Texas passed by the Thirty-fourth Legislature at its Regular Session and entitled 'An Act to amend Articles 7608, 7610 and 7618 of the Revised Civil Statutes of the State of Texas, 1911, relating to taxation, providing for a maximum bond of tax collectors, fixing the time for filing by tax collectors of their report, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency,' providing for a reduction in the amount of the bonds required under the provisions of said Articles 7608 and 7610, and further providing that the premiums on such bonds may be paid by the county of which the principal therein is the tax collector, out of the general revenues of the county, and declaring an emergency."

H. B. No. 752, A bill to be entitled "An Act to validate all sales of public free school land, University land and asylum land which were made after forfeiture for nonpayment of interest but prior to entry of such forfeiture on the account kept with the purchaser and all sales of said

land which were made upon applications filed prior to the cancellation of a former sale for the failure of the owner to reside on the land, and declaring an emergency."

Concurs in Senate amendments to House Bill No. 149.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House refused to concur in Senate amendments to House Bill No. 228 and request a conference committee be appointed and the following has been appointed on part of the House: Messrs. Thompson of Red River, Harris, Cox, Bland and Jones.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 801, A bill to be entitled "An Act to amend Section 13, Chapter 35, Acts of the Regular Session of the Twenty-fifth Legislature, being House Bill No. 83, and as amended by Senate Bill No. 195, Acts of the Regular Session of the Twenty-ninth Legislature, creating a more efficient road system for Rains County, etc., and declaring an emergency."

H. B. No. 844, A bill to be entitled "An Act to reorganize the Thirty-eighth and Sixty-third Judicial Districts of the State of Texas; and prescribe the time, and fix the terms of holding the courts of each of said judicial districts; and to conform all writs and process from such courts to such changes, and to make all process issued or served before this act takes effect, including recognizances and bonds returnable to the terms of the courts in the several districts as herein fixed; to validate process and to validate the summoning of grand and petit jurors and juries; repealing all laws and parts

of laws in conflict herewith, and declaring an emergency."

Refused to pass to third reading S. B. No. 356.

Grants the request of the Senate for a Free Conference Committee on S. B. No. 183. The following has been appointed on the part of the House: Messrs. Canales, Terrell, Valentine, Butler and Lee.

Concurs in Senate amendment to H. B. No. 319.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 360, A bill to be entitled "An Act establishing a Bureau of Vital Statistics for the Board of Health; providing for an adequate system for the registration of births and deaths in the State of Texas; providing penalties for the violation of any of the provisions of this Act; making appropriation for the efficient enforcement of the same, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair (President Pro Tem. Henderson), had referred, after their captions had been read, the following House Bills:

H. B. No. 752, referred to the Committee on Public Lands and Land Office.

H. B. No. 701, referred to the Committee on Civil Jurisprudence.

H. B. No. 360, referred to the Committee on Public Health.

H. B. No. 801, referred to the Committee on Roads, Bridges and Ferries.

H. B. No. 844, referred to the Committee on Judicial Districts.

House Bill No. 228—Free Conference Committee.

Senator King made the following motion:

I move that the Senate grant the

request of the House for the appointment of a Free Conference Committee on House Bill No. 228 and the following be elected on the part of the Senate: Bee, Caldwell and Parr.

Senator Caldwell offered the following amendment:

Amend the motion by striking out the names of Senators Caldwell and Bee and insert in lieu thereof the names of King and Clark.

On motion of Senator McNealus the motion and amendment were laid on the table subject to call.

Bills Signed.

The Chair (President Pro Tem. Henderson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 343, A bill to be entitled "An Act to amend Articles 7282, 7283, 7284, 7285, 7286, 7287 and 7289 of Chapter 7, Title 124, of the Revised Civil Statutes of Texas, 1911, providing for the protection of stock raisers in certain localities, and declaring an emergency."

Senate Joint Resolution No. 3, To be entitled a "Joint Resolution proposing and submitting to a vote of the people of Texas an amendment to Section 9, Article VII, of the Constitution of the State of Texas, authorizing the levy of a special tax of not exceeding seventy-five cents on the one hundred dollars valuation and a vehicle tax of not exceeding one dollar on the one hundred dollars valuation for the improvement and maintenance of public roads."

S. B. No. 167, A bill to be entitled "An Act to provide whole family protection for members of fraternal benefit societies, and declaring an emergency."

S. B. No. 440, A bill to be entitled "An Act creating the San Diego Independent County Line School District of Duval County by adding to and making a part of what is now known as the San Diego Independent School District of Duval County certain lands and territory adjoining thereto and situated in Duval and Jim Wells Counties for school purposes only; providing for board of trustees; giving said board of trustees of said independent county line

district power and jurisdiction over said lands and territories and the inhabitants thereof; providing for an election to be held by the San Diego Independent County Line School District to determine if refunding bonds shall be issued to take up the bonded indebtedness outstanding against what is now known as the San Diego Independent School District of Duval County, and prescribing a form of ballot for said election; validating a bonded indebtedness of the said San Diego Independent School District of Duval County; placing said San Diego Independent County Line District under the general statutes except as herein expressly provided otherwise, and declaring an emergency."

S. B. No. 354, A bill to be entitled "An Act to create a more efficient road system for Callahan County, making county commissioners ex officio road commissioners, prescribing their powers and duties, and providing their compensation as such road commissioners; providing for the working of county convicts on the public roads and their allowances for service; providing for the offering of rewards for escaped convicts, and for commutation of sentence for faithful service; providing for the summoning of road hands, and for the awarding of contracts to construct, grade or otherwise improve roads and bridges, etc."

Senate Concurrent Resolution No. 27.

Senator Lattimore called up from the table and the Chair laid before the Senate:

S. C. R. No. 27, A resolution expressing confidence in the State University and its faculty, etc.

(See the Journal of March 12th for the resolution in full.)

Pending.

Recess.

At 6:15 p. m., Senator Westbrook moved that the Senate adjourn until 10 o'clock Monday morning.

As a substitute Senator Hall moved that the Senate recess until 8:30 o'clock p. m. tonight.

Action recurred upon the longest time first and the motion to adjourn until 10 o'clock Monday morning was lost by the following vote:

Yeas—11.

Bee.	Hudspeth.
Caldwell.	King.
Dayton.	Page.
Floyd.	Parr.
Gibson.	Westbrook.
Hopkins.	

Nays—14.

Alderdice.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Dean.	Robbins.
Decherd.	Smith.
Hall.	Strickland.
Johnson of Hall.	Woodward.

Present—Not Voting.

Henderson.

Absent.

Bailey.	McCollum.
Clark.	Suiter.
Harley.	

The motion to recess prevailed.

After Recess.

(Night Session.)

The Senate was called to order by the Secretary, Jno. D. McCall, and by unanimous consent he announced that the Senate would stand at ease for ten minutes.

(President Pro Tem. Henderson in the chair.)

Senate Concurrent Resolution No. 27.

(Pending.)

Action recurred upon pending business, Senate Concurrent Resolution No. 27, and by unanimous consent the same was laid on the table subject to call.

Bills on Third Reading.

Senator Hopkins asked unanimous consent that all bills on third reading be taken up and finally passed before the regular calendar was taken up.

There was no objection.

House Bill No. 749.

The Chair laid before the Senate on third reading:

H. B. No. 749, A bill to be entitled "An Act permitting the commissioners' court of Donley County, Texas, to pay the members of said court the sum of \$4.00 per day while serving at the terms of said court."

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 748.

The Chair laid before the Senate on third reading:

H. B. No. 748, A bill to be entitled "An Act to create the Kelton Independent School District of Wheeler County, Texas, and declaring an emergency."

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 757.

The Chair laid before the Senate on third reading,

H. B. No. 757, A bill to be entitled "An Act to fix the time of holding the courts of the Sixty-fourth Judicial District of Texas; to validate all process, bonds and recognizances heretofore taken in the courts of said district and all judgments therein rendered or to be rendered; repealing all laws in conflict herewith, and declaring an emergency."

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 795.

The Chair laid before the Senate on third reading,

H. B. No. 795, A bill to be entitled "An Act creating and incorporating the Goldthwaite Independent School District in Mills County, Texas, including the town of Goldthwaite, etc., and declaring an emergency."

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—24.

Alderdice.	Buchanan of Scurry.
Bee.	Caldwell.

Dayton.	Johnston of Harris.
Dean.	King.
Decherd.	Lattimore.
Floyd.	McCollum.
Gibson.	McNealus.
Hall.	Page.
Henderson.	Parr.
Hopkins.	Smith.
Hudspeth.	Strickland.
Johnson of Hall.	Westbrook.

Absent.

Bailey.	Robbins.
Buchanan of Bell.	Suiter.
Clark.	Woodward.
Harley.	

House Bill No. 811.

The Chair laid before the Senate on third reading,

H. B. No. 811, A bill to be entitled "An Act to create a more efficient road system for Trinity County, Texas, etc., and declaring an emergency."

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 838.

The Chair laid before the Senate on third reading,

H. B. No. 838, A bill to be entitled "An Act to create the Shepherd Independent School District in San Jacinto, County, Texas, etc., and declaring an emergency."

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 840.

The Chair laid before the Senate on third reading:

H. B. No. 840, A bill to be entitled "An Act increasing the limits of the Talpa Independent School District, etc., and declaring an emergency."

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—24.

Alderdice.	Floyd.
Bee.	Gibson.
Buchanan of Scurry.	Hall.
Caldwell.	Henderson.
Dayton.	Hopkins.
Dean.	Hudspeth.
Decherd.	Johnson of Hall.

Johnston of Harris.	Page.
King.	Parr.
Lattimore.	Smith.
McCollum.	Strickland.
McNealus.	Westbrook.

Absent.

Bailey.	Robbins.
Buchanan of Bell.	Suiter.
Clark.	Woodward.
Harley.	

House Bill No. 249.

The Chair laid before the Senate on third reading:

H. B. No. 249, A bill to be entitled "An Act amending Article 1903 of the Revised Civil Statutes of the State of Texas, of 1911, so as to render a certified plea of privilege prima facie proof of the right of the defendants to change of venue, and providing for procedure thereon."

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 791.

The Chair laid before the Senate on third reading:

H. B. No. 791, A bill to be entitled "An Act creating the Newton Independent School District, etc., and declaring and emergency."

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—23.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Dayton.	Lattimore.
Dean.	McCollum.
Decherd.	McNealus.
Floyd.	Page.
Gibson.	Parr.
Hall.	Smith.
Henderson.	Strickland.
Hopkins.	

Absent.

Bailey.	Robbins.
Buchanan of Bell.	Suiter.
Clark.	Westbrook.
Harley.	Woodward.

House Bill No. 802.

The Chair laid before the Senate on second reading:

H. B. No. 802, A bill to be entitled "An Act changing the boundaries of Capps Independent School District, and View Common School District No. 52 in Taylor County, Texas, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Buchanan of Scurry, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 802 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Dayton.	Lattimore.
Dean.	McCollum.
Decherd.	McNealus.
Floyd.	Page.
Gibson.	Parr.
Hall.	Smith.
Henderson.	Strickland.
Hopkins.	Westbrook.

Absent.

Bailey.	Robbins.
Buchanan of Bell.	Suiter.
Clark.	Woodward.
Harley.	

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 560.

The Chair laid before the Senate on second reading:

H. B. No. 560, A bill to be entitled "An Act to provide an annual vacation to paid firemen in cities of 2,500 inhabitants or over; providing that the city official having supervision of the fire department shall designate the days each fireman is to be on vacation; prescribing penalties for the violation thereof, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 560 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Dayton.	Lattimore.
Dean.	McCollum.
Decherd.	McNealus.
Floyd.	Page.
Gibson.	Parr.
Hall.	Smith.
Henderson.	Strickland.
Hopkins.	Westbrook.

Absent.

Bailey.	Robbins.
Buchanan of Bell.	Suiter.
Clark.	Woodward.
Harley.	

The bill was laid before the Senate, read third time and passed finally.

Senate Bill No. 248.

The Chair laid before the Senate on second reading:

S. B. No. 248, A bill to be entitled "An Act to amend Chapter 127 of the General Laws of the Thirty-fourth Legislature, page 199 of the Acts of said Legislature, relating to the fees of district attorneys composed of two counties or more and to provide for assistant district attorneys in certain districts, and to provide for compensation for such assistants, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 248 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Decherd.
Bee.	Floyd.
Buchanan of Scurry.	Gibson.
Caldwell.	Hall.
Dayton.	Henderson.

Hopkins.	McCollum.
Hudspeth.	Page.
Johnson of Hall.	Parr.
Johnston of Harris.	Smith.
King.	Strickland.
Lattimore.	Westbrook.

Absent.

Bailey.	McNealus.
Buchanan of Bell.	Robbins.
Clark.	Suiter.
Dean.	Woodward.
Harley.	

The bill was laid before the Senate read third time and passed finally.

House Bill No. 834.

The Chair laid before the Senate on second reading:

H. B. No. 834, A bill to be entitled "An Act creating the Bertram Independent School District in Burnet County, Texas, including the present Bertram Independent School District, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 834 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Dayton.	Lattimore.
Dean.	McCollum.
Decherd.	McNealus.
Floyd.	Page.
Gibson.	Parr.
Hall.	Strickland.
Henderson.	Westbrook.
Hopkins.	

Absent.

Bailey.	Robbins.
Buchanan of Bell.	Smith.
Clark.	Suiter.
Harley.	Woodward.

The bill was laid before the Senate, read third time and passed finally.

Senate Joint Resolution No. 11.

The Chair laid before the Senate on second reading:

S. J. R. No. 11, "A Joint Resolution proposing and submitting to the vote of the people of Texas an amendment to Section 5, Article 4, of the Constitution of Texas, providing for the payment of the salary of the Governor of the State."

The resolution was laid before the Senate, read second time and passed to engrossment.

Senate Bill No. 342.

The Chair laid before the Senate on second reading:

S. B. No. 342, A bill to be entitled "An Act requiring the Commissioner of Insurance to license agents of insurance companies, what the license shall state and how obtained, and providing for revocation of such license, termination thereof, for renewal of same and providing a penalty for violation of this Act, and declaring an emergency."

The committee report, carrying the committee substitute and that the bill be not printed was adopted.

Senator Lattimore offered the following amendment, which was read and adopted:

Amend Senate Bill No. 342 by adding in line 12, page 2, printed bill, after the word "agent" the following:

"Provided, that Mutual Insurance Companies carried on by the members thereof for the protection of their own property and not for profit, may, for the transaction of such business as these companies are authorized to transact in this State, appoint persons to act as their constituted agents for the conduct of their business in the manner customary to Mutual Companies not using policy writing agents or local agents, and upon written notice to the Insurance Commissioner, in conformity to the provisions of this Act, not in conflict with this clause, shall issue an agent's license to such person or persons appointed."

The bill was read second time and passed to engrossment.

On motion of Senator McCollum, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No.

342 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Dayton.	Lattimore.
Dean.	McCollum.
Decherd.	McNealus.
Floyd.	Page.
Gibson.	Parr.
Hall.	Strickland.
Henderson.	Westbrook.

Present—Not Voting.

Bee.

Absent.

Bailey.	Robbins.
Clark.	Smith.
Harley.	Suiter.
Hudspeth.	Woodward.

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 37.

By unanimous consent Senator Caldwell called up and had laid on the table subject to call House Bill No. 37.

House Bill No. 801.

Senator Westbrook asked unanimous consent to take up House Bill No. 801 and moved that the constitutional rule requiring bills to be read on three several days be suspended and House Bill No. 801 put on its second reading, which motion prevailed by the following vote:

Yeas—23.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Dayton.	Lattimore.
Dean.	McCollum.
Decherd.	McNealus.
Floyd.	Page.
Gibson.	Parr.
Hall.	Strickland.
Henderson.	Westbrook.
Hopkins.	

Absent.

Bailey.	Robbins.
Buchanan of Bell.	Smith.
Clark.	Suiter.
Harley.	Woodward.

The Chair laid before the Senate on second reading,

H. B. No. 801, A bill to be entitled "An Act to amend Section 13, Chapter 35, Acts of the Regular Session of the Twenty-fifth Legislature, being House Bill No. 83, and as amended by Senate Bill No. 195, Acts of the Regular Session of the Twenty-ninth Legislature, creating a more efficient road system for Rains County, etc., and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 801 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Dayton.	Lattimore.
Dean.	McCollum.
Decherd.	McNealus.
Floyd.	Page.
Gibson.	Parr.
Hall.	Strickland.
Henderson.	Westbrook.
Hopkins.	

Absent.

Bailey.	Robbins.
Buchanan of Bell.	Smith.
Clark.	Suiter.
Harley.	Woodward.

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 694.

Senator Parr called up House Bill No. 964 and moved to rescind the vote by which the Senate tabled the motion to reconsider the vote by which the bill was finally passed.

The motion prevailed unanimously. Senator Parr moved to rescind the vote by which House Bill No. 694 was finally passed.

The motion prevailed unanimously. Senator Parr moved to rescind the vote by which House Bill No. 694 was passed to its third reading.

The motion prevailed unanimously. The Chair laid before the Senate on second reading,

H. B. No. 694, A bill to be entitled "An Act to aid the city of Corpus Christi in elevating and raising a portion of said city and building a sea wall or breakwater so as to protect it from calamitous overflows, by donating to it the ad valorem taxes collected on property and from persons in Nueces County for a period of fifteen years, and to provide a penalty for their misapplication, and declaring an emergency."

Senator Parr moved to rescind the vote by which the Senate adopted amendments Nos. 1, 2 and 3 to H. B. No. 694, and the motion prevailed, the amendments being voted on separately.

Senator Parr offered the following amendments, which were read and adopted, being voted on separately:

Amend the bill by striking out all the words beginning with the words and figures "Section 5" in the bill down to and including the word "water" in said bill and inserting in lieu thereof the following:

"Section 5. The moneys herein and hereby granted and donated to the city of Corpus Christi are declared to be a trust fund for the purpose of aiding the city of Corpus Christi in paying the interest and sinking fund upon an issue or issues of bonds the proceeds of which bonds are to be used exclusively in constructing and maintaining sea walls, breakwaters, shore protections and jetties out into Corpus Christi Bay, and to fill in the space between the shore and such sea walls, breakwaters and shore protections in order that the same be removed above calamitous overflows."

Amend caption of printed House Bill 694, lines 7 and 8, by striking out the words "In elevating and raising a portion of said city, and building a sea wall or breakwater," and inserting in their stead the following words: "In constructing and maintaining sea walls, breakwaters,

shore protections and jetties out into Corpus Christi Bay, and to fill in the space between the shore and such sea walls, breakwaters and shore protections from calamitous overflows."

The bill was read second time and passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 694 put on its third reading and final passage by the following vote:

Yeas—23.

Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Dayton.	Lattimore.
Dean.	McCollum.
Decherd.	McNealus.
Floyd.	Page.
Gibson.	Parr.
Hall.	Smith.
Henderson.	Strickland.
Hopkins.	Westbrook.
Hudspeth.	

Absent.

Alderdice.	Harley.
Bailey.	Robbins.
Buchanan of Bell.	Suiter.
Clark.	Woodward.

The bill was laid before the Senate, read third time and passed finally.

Senate Bill No. 292.

The Chair laid before the Senate on second reading:

S. B. No. 292, A bill to be entitled "An Act abolishing the defense of assumed risk as a bar to recovery in any suit against a corporation and further defining and regulating the defense of contributory negligence in suits against corporations, receiver or other person operating railroads, street railways, interurban railways, or against other common carriers for damages for death of or for personal injuries to employees thereof; repealing laws in conflict herewith; declaring certain limitations on the application of the Act, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Hudspeth, the constitutional rule requiring bills to

be read on three several days was suspended and Senate Bill No. 292 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Clark.	King.
Dayton.	Lattimore.
Dean.	McCollum.
Decherd.	McNealus.
Floyd.	Page.
Gibson.	Parr.
Hall.	Smith.
Henderson.	Strickland.
Hopkins.	Westbrook.

Absent.

Bailey.	Robbins.
Buchanan of Bell.	Suiter.
Caldwell.	Woodward.
Harley.	

The bill was laid before the Senate, read third time and passed finally.

Senate Bill No. 319.

The Chair laid before the Senate on second reading:

S. B. No. 319, A bill to be entitled "An Act to repeal Chapter 7 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, the same being entitled 'An Act to provide for the suspension of sentence in certain cases of conviction of felony for first offenses, upon the recommendation of the jury, and for submission of the issue to the jury by the court, and to provide the duration of the suspension of sentence and for pronouncing sentence after suspension thereof in case of final conviction of the defendant of any other felony, cumulating punishment in such cases, and for granting a new trial after suspension and dismissal of the case in certain events after suspension, and to repeal all laws and parts of laws in conflict herewith, and providing for an emergency;' repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The majority (favorable) committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Page, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 319 put on its third reading and final passage by the following vote:

Yeas—20.

Alderdice.	Hopkins.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Clark.	Lattimore.
Dayton.	McCollum.
Dean.	McNealus.
Decherd.	Page.
Floyd.	Parr.
Gibson.	Smith.
Henderson.	Westbrook.

Nays—3.

Hudspeth.	Strickland.
Johnson of Hall.	

Present—Not Voting.

Hall.

Absent.

Bailey.	Robbins.
Bee.	Suiter.
Buchanan of Bell.	Woodward.
Harley.	

The bill was laid before the Senate, read third time and passed finally.

Senator Page moved to reconsider the vote by which Senate Bill No. 319 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 242—Refusal to Take Up.

Senator Lattimore asked for unanimous consent to take up Senate Bill No. 242.

There was objection.

Senator Lattimore moved that the regular order of business be suspended, and the Senate take up, out of its order Senate Bill No. 242.

The motion was lost by the following vote:

Yeas—12.

Alderdice.	Hopkins.
Buchanan of Scurry.	Johnson of Hall.
Dayton.	Lattimore.
Dean.	McNealus.
Decherd.	Smith.
Floyd.	Strickland.

Nays—10.

Bee.	Johnston of Harris.
Caldwell.	King.
Gibson.	McCollum.
Hall.	Page.
Hudspeth.	Parr.

Present—Not Voting.

Henderson.

Absent.

Bailey.	Robbins.
Buchanan of Bell.	Suiter.
Clark.	Woodward.

Pair Recorded.

Senator Westbrook (present), who would vote "yea"; Senator Harley (absent, who would vote "nay."

House Bill No. 837.

The Chair laid before the Senate on second reading:

H. B. No. 837, A bill to be entitled "An Act making appropriation to pay contingent expenses of the Thirty-fifth Legislature."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

House Bill No. 754.

The Chair laid before the Senate on second reading:

H. B. No. 754, A bill to be entitled "An Act to amend Article 2814 of the Revised Civil Statutes of the State of Texas, 1911, so as to confer upon the State Superintendent of Public Instruction the authority, upon satisfactory evidence being presented, to reinstate a teacher's certificate theretofore canceled by him and giving right of appeal to the State Board of Education."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

House Bill No. 568.

The Chair laid before the Senate on second reading:

H. B. No. 568, A bill to be entitled "An Act making it an offense

for any person who is treasurer of any school district in this State, or for any officer, director, stockholder, agent or employe of any corporation that is the treasurer or depository of any school district in this State to fraudulently take, misapply or convert to his own use any of the money, property or other thing of value belonging to such district or to secrete the same with the intent to take, misapply or convert it to his own use, or to pay or deliver the same to any person knowing that he is not entitled to receive it, prescribing a penalty, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

House Bill No. 361.

The Chair laid before the Senate on second reading:

H. B. No. 361, A bill to be entitled "An Act to amend Sections 565 and 566, Code of Criminal Procedure of the State of Texas, to enable an indicted person to enter his plea of guilty and proceed to serve his sentence when court is not in session in the particular county where venue would lie, and providing for the attendance of witnesses; fixing fees of the sheriff and witnesses, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

(Senator Hopkins in the Chair.)

House Bill No. 681.

The Chair laid before the Senate on second reading:

H. B. No. 681, A bill to be entitled "An Act to authorize the city council, board of aldermen, or other governing body of any city or town in this

State, whether operating under special charter or the general law, to appropriate at the end of each fiscal year, so much of the net revenues of any waterworks system or other public utility system, service or enterprise owned by said city or town as such body shall deem to the best interest of said city or town, to the payment of the sinking fund and interest on the bonded indebtedness of such system, service or enterprise; such sum so appropriated to be used for no other purpose; providing for the levy of a tax for raising such sinking fund and interest where such appropriation is insufficient as herein provided, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

Senate Bill No. 134.

The Chair laid before the Senate on second reading:

S. B. No. 134, A bill regulating real estate and stock commission dealers.

The bill was read second time and passed to engrossment.

House Bill No. 829.

The Chair laid before the Senate on second reading:

H. B. No. 829, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of the special road laws of Cass County, Texas, enacted by the Regular Session of the Thirty-third Legislature, 1913, which became effective March 5, 1913, same being 'An Act to create a more efficient road law for Cass County, making the county commissioners ex officio road supervisors, defining their duties and fixing their salaries; providing for the appointment of a civil engineer and naming the salary of said civil engineer.'"

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to third reading.

House Bill No. 820.

The Chair laid before the Senate on second reading:

H. B. No. 820, A bill to be entitled "An Act creating a new road law for Bowle County."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

House Bill No. 808.

The Chair laid before the Senate on second reading:

H. B. No. 808, A bill to be entitled "An Act to create a more efficient road system for Jasper County, Texas, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

Adjournment.

At 10:20 o'clock p. m., on motion of Senator Johnston of Harris, the Senate adjourned until 9:30 o'clock Monday morning.

APPENDIX A.

Engrossing Committee Reports.

Committee Room,

Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 467 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 163 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 285 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 490 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 370 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred,

S. B. No. 386, A bill to be entitled "An Act to authorize the creation of private corporations under the general corporation laws of this State, with power and authority to act as adjusters for Insurance Companies, of losses sustained by such companies doing business in this State, which issue policies or contracts of indemnity, against loss or damage to real or personal property of any character, without regard to the contingency or cause against which such policies or contracts provide indemnity, and with authority and power in such corporations to receive and handle and dispose of salvage arising in or incident to such adjustment; and with power and authority to make inspections for insurance companies of risks and report thereon, provided, however, such cor-

porations shall not be authorized to act as local agents in issuing policies of insurance, fixing the minimum capital stock of such corporations; making such companies and its agents and representatives subject to insurance laws of this State; and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed in the Journal only.

GIBSON, Chairman.

By McNealus.

S. B. No. 386.

A BILL To Be Entitled

An Act to authorize the creation of private corporations under the general corporation laws of this State, with power and authority to act as adjusters for insurance companies, of losses sustained by such companies doing business in this State, which issue policies or contracts of indemnity, against loss or damage to real or personal property of any character, without regard to the contingency or cause against which such policies or contracts provide indemnity, and with authority and power in such corporation to receive and handle and dispose of salvage arising in or incident to such adjustments; and with power and authority to make inspections for insurance companies of risks and report thereon; provided, however, such corporations shall not be authorized to act as local agents in issuing policies of insurance, fixing the minimum capital stock of such corporations; making such companies and its agents and representatives subject to insurance laws of this State; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Subject to all the terms and provisions of the general incorporation laws of this State not inconsistent with this Act, private corporations may be created to act as adjusters for insurance companies of any loss sustained by any insurance company doing business in this State which issues or writes policies or contracts of indemnity against loss or damage to real or personal property of any character, without restric-

tions as to the cause of said loss or damage or the contingency against which said policies or contracts may provide indemnity; and to receive, preserve, condition and dispose of salvage which may come into their possession incident to the adjustment of any loss, and such corporation may have power and authority for insurance companies to inspect risks subject to insurance and report thereon; provided that no such corporation shall be chartered whose capital stock is less than twenty thousand (\$20,000) dollars; and provided further that every agent or representative of such corporation shall be subject to all the insurance laws of this State pertaining to individuals transacting the business of adjusting losses, except that the occupation tax prescribed in Section 20 of Article 7355, Title 126, Revised Civil Statutes of 1911, shall be collected of the corporation and not of each representative thereof; and provided further, that such corporation shall not be authorized to act as local agents of insurance companies in the issuance of policies of insurance.

Sec. 2. The fact that companies with the powers herein conferred are not enumerated among those now authorized to incorporate under the laws of this State, and the further fact that economy, efficiency and the best interests of the public will be subserved by permitting such associations to incorporate for the purpose of accepting employment as authorized in this Act, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days before passage be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence,, to whom was referred,

H. B. No. 36, A bill to be entitled "An Act to create a Commission of Appeals of Texas and to define the powers and duties thereof; and for the appointment of their stenographers and porter, and the furnish-

ing of rooms for their use in the Capitol, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed, but be printed in the Journal.

BAILEY, Chairman.

By Carlock.

H. B. No. 36.

A BILL
To Be Entitled

An Act to create a Commission of Appeals of Texas and to define the powers and duties thereof; and for the appointment of their stenographers and porter, and the furnishing of rooms for their use in the Capitol, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That a Commission of Appeals is hereby created and established to consist of three persons, having the qualifications now prescribed for judges of the Supreme Court, and to be appointed by the Governor of this State, by and with the advise and consent of the Senate, if in session. They shall hold their offices for a period of two years, unless the Supreme Court shall catch up with and dispose of all the cases upon its trial docket prior to said time, in which event the term of the said judges, composing the Commission of Appeals, shall automatically terminate. In case of a vacancy on said Commission by death, removal, resignation or inability from any cause to act, it shall be the duty of the Governor to fill the same by appointment subject to the approval of the Senate, if in session, and the persons so appointed shall continue in office until the end of the term of the person whose vacancy he was appointed to fill.

Sec. 2. Said Commission shall have the power to hear and determine and render written opinions in all civil cases and special proceedings now or hereafter pending upon the trial docket of the Supreme Court upon reference to them of such cases or proceedings by the Supreme Court, or by written agreement of the parties litigant. The words 'trial

docket' shall be held to include the cause docket.

Sec. 3. Each section of said Commission shall report its conclusions or opinions to the Supreme Court in all cases and proceedings to them respectively referred by the Supreme Court. A majority of the Commission shall decide the case or matter referred to them.

Sec. 4. The opinions of said Commission in all matters and cases referred to them by the Supreme Court, or by the written agreement of the parties litigant, shall not be published in the reports of the Supreme Court, nor shall the same have any further or other effect than to determine the particular cause or matter wherein rendered, and shall have no force or effect or authority as precedent in other cases, unless otherwise directed by the Supreme Court.

Sec. 5. The Supreme Court is hereby authorized and empowered to refer to said Commission of Appeals any cases now pending or hereafter pending on trial docket of said Court, or any special proceedings now pending or hereafter to be filed upon the trial docket of said court. And it shall be the duty of said Supreme Court, in order to relieve the docket of said court of the great number of cases encumbering the same, to refer to said Commission of Appeals so many of said cases or special proceedings now or hereafter pending on the trial docket of said court as may be sufficient to occupy the full time of the judges of said Commission of Appeals; provided that when any case is referred by the Supreme Court to said Commission of Appeals the counsel for both parties, or the parties themselves, shall be entitled to notice and shall have the right to be heard upon the same, although said cause may have been argued before the Supreme Court, which notice shall be given by registered letter, receipt requested, addressed to the parties, or their attorneys of record; and six days after the receipt of notice of service by the clerk of the Supreme Court the said cause shall be ready for submission and shall be set down accordingly, and the parties or their attorneys, so notified, and no other costs shall be incurred for serving said notice on said parties save the

postage thereon. The Commission of Appeals may make rules regulating the hearing of the causes submitted or referred to them.

Sec. 6. In all cases or matters referred to the Commission of Appeals under this Act it shall not be necessary to refile the papers with said Commission, and only such additional costs as may be essential to carry into effect the provisions hereof shall be incurred by reason of the reference to said Commission.

Sec. 7. Said Commission shall hold its sessions at the same time and place as the Supreme Court; provided, that the said Commission of Appeals shall continue their work during the vacation of the Supreme Court in mid-summer, subject however, to the right of said judges of the Commission of Appeals to take a vacation not to exceed six weeks during said period, and the duties of the clerk of said Commission shall be performed by the clerk of the Supreme Court, or his deputies, and no extra fees shall be allowed the clerk of the Supreme Court, or any deputy for services rendered said Commission.

Sec. 8. Said Commission shall have a seal, being a star with five points and the words "Commission of Appeals of Texas" around the same. Regular dockets and minutes of all proceedings by and before said Commission shall be kept, similar to the records and proceedings of the Supreme Court, and all cases and special proceedings that may be referred to the Commission by the Supreme Court, or of which they may obtain written consent of the parties litigant, shall be heard and disposed of in the regular order of the filing of said cases or proceedings with them.

Sec. 9. Said Commission shall have the right to issue writs of certiorari to perfect the records and such other writs or process as the Supreme Court might issue in such cases, and shall have the like power to punish for contempt as the Supreme Court would have.

Sec. 10. All rules regulating practice and procedure in the Supreme Court shall apply to the Commission of Appeals as far as practicable. All applications for rehearing in cases referred to said Commission by the Supreme Court, or by the

consent of parties, shall be heard and determined by said Commission.

Sec. 11. Each member composing said Commission of Appeals shall receive the same pay as a judge of the Supreme Court, and payable in the same manner.

Sec. 12. Said Commission may appoint a stenographer, who shall receive a salary of one hundred dollars per month while in actual performance of his duties; and may employ one porter, who shall receive a salary of fifty dollars per month during the session of the Commission.

Sec. 13. This Act shall become inoperative and the said Commission of Appeals shall cease whenever the Supreme Court shall fully catch up with the decision of the cases on its trial docket; provided, such event occurs within less than two years from the time this Act goes into effect. Said Commission shall expire in two years from their appointment, unless the business of the trial docket of the Supreme Court is caught up with sooner.

Sec. 14. The superintendent of public buildings and grounds shall provide suitable rooms in the capitol for the use of the members of the Commission while engaged in the discharge of their duties, as convenient to the Supreme Court rooms and the offices of the clerk thereof as can be arranged by him, and shall also suitably furnish such rooms for their use.

Sec. 15. Whereas, the trial docket of the Supreme Court is in a badly crowded condition and it is humanly impossible for the Supreme Court to decide the cases that are now pending on the said docket and which will be from time to time added thereto, without causing great delay and injury to the rights of litigants whose causes are pending before it; and,

Whereas, the speedy determination of cases in the court of highest jurisdiction should be brought about at the earliest possible moment and this Act is calculated materially to bring about such a situation at the earliest practicable moment. It is hereby declared that an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days, and the said rule is hereby suspended and an emergency

declared and this Act shall take effect and be in force from and after its passage, and it is so enacted.

(Floor Report)

Senate Chamber,
Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 257, A bill to be entitled "An Act, to provide for the placing of short term male State convicts upon public roads; to define short term male convicts and rules governing them while employed upon the public highways; to give counties authority to secure State convicts through petition of the commissioner's court to the penitentiary commission; granting authority to the penitentiary commission to recommend the placing of such convicts upon their honor as their merit will justify when such transfer is made from State farms or the walls to public roads; making it mandatory for the commissioners court thus petitioning to provide railroad fare from penitentiary farm to point of destination; to provide for commutation of sentence for good behavior and service to such convicts as merit reward; giving the commissioner's court authority to pay for transportation of convicts by warrants drawn upon the road and bridge fund of the county so petitioning; also authority to draw warrants upon road and bridge fund for maintenance of convicts for food, raiment and medical purposes,"

Have had said bill under consideration and desire to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal only.

Caldwell, Chairman; Gibson, Buchanan of Scurry, Floyd, Strickland, Smith.

By Seawright.

H. B. No. 257.

A BILL
To Be Entitled

An Act to provide for the placing of short term male State convicts upon public roads; to define short term male convicts and rules governing them while employed upon the public highways; to give coun-

ties authority to secure State convicts through petition of the commissioners court to the Penitentiary Commission; granting authority to the Penitentiary Commission to recommend the placing of such convicts upon their honor as their merit will justify when such transfer is made from State farms, or the walls, to public roads; making it mandatory for the commissioners court thus petitioning to provide railroad fare from penitentiary farm to point of destination; to provide for commutation of sentence for good behavior and service to such convicts as merit reward; giving the commissioners court authority to pay for transportation of convicts by warrants drawn upon the road and bridge funds of the county so petitioning; also authority to draw warrants upon road and bridge fund for maintenance of convicts for food, raiment and medical purposes.

Be it enacted by the Legislature of the State of Texas:

Section 1. That it be the policy of this State to employ its short term male convicts upon the public roads and that they be so distributed in such manner as will hereafter be provided that each county in this State shall have its rights and interest protected in such distribution of labor.

Sec. 2. By short term male convicts is meant such persons who have been sentenced by the courts of this State to serve in the State penitentiary for a period of not less than two years nor more than ten years. That such persons only will come within the jurisdiction of this statute and such convicts only can be transferred from the penitentiary or State farms to the public highways.

Sec. 3. That authority be given to each county of this State through a petition of its commissioners court to the Penitentiary Commission, requesting and specifying the number of convicts wanted for the purpose of repairing or construction of public roads, bridges, culverts and so forth, and in no event can this convict labor be utilized for any other purpose than as previously stated.

Sec. 4. That it shall be the duty of the Penitentiary Commission, upon receiving petition for convicts by the various commissioners courts of this

State, to transfer to each county its number of convicts as specified by their petition; provided, the number on hand in the State prison will meet their demand, and in the event the Penitentiary Commission become congested with petitions and there is a deficit of convicts to meet their demand then to pro rate the number of convicts to each county in proportion to the taxable valuation of said county.

Sec. 5. That the Penitentiary Commission, upon receiving the petition from the commissioners courts of this State for convicts to be used upon the public roads, be compelled to send to the commissioners court of the county receiving convicts a report of each convict with reference to merit, service and deportment, giving his number, and recommendation of those whose conduct will warrant the placing of such persons on their honor upon the public highways, and also report with those whose honor it will not do to trust. Those whose merit will not warrant putting on their honor to be placed under guard at expense of county so receiving them.

Sec. 6. When the commissioners court receive short term convicts together with report, it shall be their duty to make full examination of report made by the Penitentiary Commission as to the merit of convicts received, and place such convict upon his honor as is warranted by report accompanying him.

Sec. 7. That when convicts are placed on their honor upon the public roads they will be dressed in citizens clothes and be compelled to do honest service. That this service will account to them for maintaining this distinction. In the event any convict should betray his trust, escape from service and be recaptured, he will forfeit this honor and trust also his right to commutation of sentence as will be hereafter provided. This statute to apply to such convicts as have a sentence of from two to six years. Those whose sentence is from seven to ten years and on their honor escape and are recaptured to be returned to the walls of the State Penitentiary with his right of commutation of sentence forfeited.

Sec. 8. That convicts whose conduct and service has placed them on their honor and proven themselves worthy of this trust by obedience to

law and order shall merit as reward for this service a commutation of one-fifth of the sentence imposed upon them by the courts.

Sec. 9. The commissioners courts of counties receiving convicts for service upon the public roads will have authority to draft upon road and bridge fund of said county for funds to defray all railroad fare for convicts to and from penitentiary or farms to points of destination; also for any maintenance of convicts while employed in service of said county upon the public roads.

Sec. 10. Convicts upon the public road will be subjected to all the rules and regulations as has already been provided by law with reference to governing, and in no instance can punishment be inflicted to convicts except as already provided by law.

Sec. 11. It shall be the duty of the commissioners' court receiving convicts to properly equip road camps in such manner as will humanely care for the convicts, having due consideration for sanitary conditions, and providing separate bunks for whites and blacks.

Sec. 12. The Prison Commission shall be vested with authority to inspect all road camps upon public roads; to prescribe rules by which convicts and commissioners' courts will pursue in working of convicts upon public highways; to provide raiment and food for convicts and to see that they are properly clothed and fed by the State, to which expense each county working convicts will be compelled to bear draft upon road and bridge fund of the county. Said Prison Commission upon finding such camps not in order as regards sanitary conditions, which do not meet requirements of rules governing same, or where convicts are not properly clothed and fed, shall at their election remove same from said county. In which event said county shall bear the expense of transportation to destination, and this expense to be borne by the county using convicts in cases where the commissioners' court deems it best to use the convict labor any further upon other public roads.

Sec. 13. By rules governing convicts by Prison Commission are meant such rules as are already provided by law governing the same and such other rules as may be agreed on by the Prison Commission as will maintain fair treatment to the convicts, having

in view such motives as will secure humane treatment.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred H. B. No. 216, A bill to be entitled "An Act for the protection of citizens of this State and of the United States, and citizens of countries having equal treaty rights with the United States on behalf of their citizens, who may be killed or injured in a foreign state or country, and providing for the procedure of trying such suits and causes of action in the courts of the State of Texas, and providing compensation thereof, and declaring an emergency,"

Have had the same under consideration and beg to report same back to the Senate with the recommendation that it do pass, and be not printed.

Hopkins, Chairman; Alderdice, Robbins, Dayton, Parr.

(Floor Report)

Senate Chamber,

Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. 361, A bill to be entitled "An Act to amend Sections 565 and 566, Code of Criminal Procedure of the State of Texas to enable an indicted person to enter his plea of guilty and to proceed to serve his sentence when court is not in session in the particular county where venue would lie, and providing for the attendance of witnesses, fixing fees of the sheriff and witnesses, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Page, Chairman; Westbrook, Dayton, Caldwell, Strickland, Hall, Hudspeth, Lattimore, Henderson.

Committee Room,
Austin, Texas, March 17, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. R. No. 126, proposing

Whereas, Under the rules of the Senate, the General Appropriation bills could not be considered during the first sixty days of the regular session of the Thirty-fifth Legislature, and

Whereas, The regular session will soon adjourn, and

Whereas, It will be economy to have the said General Appropriation bills ready to submit to the Senate at the convening of the first called session,

Therefore be it resolved, That the chairman of said Finance Committee be directed to call the committee together in the city of Austin, seven (7) days prior to the convening of the special session for the purpose of considering and completing said appropriation bills and that the said Committee be allowed \$5.00 each per day for their services.

That the clerk of the Finance Committee and a competent stenographer be retained for such time that the said committee may deem it necessary and that they shall be paid for their services the same compensation as received during the regular session of the Thirty-fifth Legislature. All said compensation to be paid out of the contingent fund of the Senate on approval of the Chairman of the Finance Committee.

In the event the Chairman cannot act, the Vice-Chairman shall act in his stead, and less than a quorum is hereby authorized to act,

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be not printed.

HUDSPETH, Chairman.

(Floor Report)

Senate Chamber,
Austin, Texas, March 17, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 752, A bill to be entitled

"An Act to validate all sales of public free school land, university land and asylum land which were made after forfeiture for non-payment of interest but prior to the entry of such forfeiture on the account kept with the purchaser, and all sales of said land which were made upon applications filed prior to the cancellation of a former sale for the failure of the owner to reside on the land and declaring an emergency,"

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Parr, Chairman; Hudspeth, Johnson, Dayton, Decherd, Buchanan of Scurry, King.

(Floor Report)

Senate Chamber,
Austin, Texas, March 17, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Road, Bridges and Ferries, to whom was referred

H. B. No. 801, A bill to be entitled "An Act to amend Section 13, Chapter 35, Acts of the Regular Session of the Twenty-fifth Legislature, being House Bill No. 83, and as amended by Senate Bill No. 195, Acts of the Regular Session of the Twenty-ninth Legislature, creating a more efficient road system for Rains County, as printed in session Acts, pages No. 32 to 37, Acts of 1897, and as printed in Session Acts, page 115, Acts of 1905, by increasing the per diem of the county road commissioners, and fixing the maximum pay of each county road commissioner not to exceed the sum of one hundred and fifty dollars per annum, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Floyd, Gibson, Buchanan of Scurry, Smith, Strickland.

Enrolling Committee Reports.

Committee Room,
Austin, Texas, March 17, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on En-

rolled Bills have carefully examined and compared Senate Bill No. 354 and find it correctly enrolled, and have this day at 9:30 p. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,

Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 440 and find it correctly enrolled, and have this day at 9:30 p. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,

Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 94 and find it correctly enrolled, and have this day at 3:37 p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Bee.

S. B. No. 94.

An Act to be entitled "An Act to amend Article 7394 of the Revised Statutes of 1911 so as to provide that the franchise tax on foreign corporations therein levied shall be based upon that proportion of the total authorized capital stock of such corporation as the gross receipts of such corporation from its Texas business bears to its total gross receipts."

Be it enacted by the Legislature of the State of Texas.

Section 1. That Article 7394 of the Revised Statutes of the State of Texas shall be so amended as hereafter to read as follows:

Except as herein provided, each and every foreign corporation authorized, or that may hereafter be authorized, to do business in this State shall, on or before the first day of May of each year pay in advance to the Secretary of State a franchise tax for the year following which shall be computed as follows: The total capital stock of such corpora-

tion, the total gross receipts of such corporation from all its business and the total gross receipts from the business of such corporation for the calendar year immediately preceding shall be ascertained by the Secretary of State from sworn reports of the officers of such corporation or by such other method as may satisfy the Secretary of State, and the capital stock of such corporation upon which the franchise tax herein provided is based, shall be that proportion of the entire authorized capital stock as the gross receipts from the Texas business of such corporation done within the State of Texas bears to the total gross receipts of such corporation from its entire business and the capital stock assignable to the Texas business, and upon which the fees hereinafter provided shall be calculated and based being thus ascertained, the franchise tax which is hereby provided shall be computed as follows: \$1.00 on each \$1,000 or fractional part thereof up to and including \$100,000; \$2.00 on each \$5,000 or fractional part thereof in excess of \$100,000 and up to and including \$1,000,000; \$2.00 on each \$20,000 or fractional part thereof in excess of \$1,000,000 and up to and including \$10,000,000 and \$2.00 on each \$50,000 of such stock in excess of \$10,000,000; provided, however, that where such corporation has a surplus or undivided profits the same shall be added to the entire capital stock of such corporation and shall be taken and computed as a part thereof in determining the amount of such entire capital stock; provided, that where a foreign corporation applying for a permit has theretofore done no business in Texas the franchise tax herein provided shall not be payable until the end of one year from the date of such permit at which time the franchise tax shall be computed upon the proportion of the entire capital stock ascertained as above required as the receipts from its Texas business bears to the receipts of the corporation from its entire business for the same period; and the second payment of such franchise tax shall be made for the period intervening between the date of such first payment and the first day of May following, the proportion of capital stock upon which the same shall be computed to be the

same proportion that the receipts from the Texas business for such period bears to the receipts of the corporation from its entire business for the same period, and that thereafter such franchise tax shall be payable annually on the first day of May for the year succeeding computed upon proportion of the entire capital stock of such corporation which the receipts from the Texas business of such corporation bears to its receipts for the calendar year preceding as herein above provided.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. The near approach of the time of the first day of May on or before which, under existing law, payment of franchise taxes must be made and the fact that Article 7394 of the Revised Statutes which is, hereby amended requiring the franchise taxes therein levied to be computed upon the entire capital stock of such foreign corporation has resulted in large losses of revenue to the State of Texas create an imperative public necessity for the suspension of the constitutional rule providing that bills shall be read on three successive days and an emergency that this act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 95 and find it correctly enrolled, and have this day at 3:37 p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Bee,

S. B. No. 95.

An Act to be entitled "An Act to amend Article 3837 of the Revised Statutes of 1911 so as to provide that the permit fees for corporations payable to the Secretary of State under provisions of Article 3837 Chapter 1 Title 58 of the Revised Statutes of the State of Texas shall be based upon the capital stock of corporations domestic and foreign issued and outstanding, and that such permit fees

shall not exceed the sum of twenty-five hundred dollars."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 3837 of the Revised Statutes of Texas be amended so as to hereafter read as follows:

Article 3837. The Secretary of State, besides other fees that may be prescribed by law, is authorized and required to charge for the use of the State the following fees:

For each and every charter, amendment or supplement thereto of a private corporation created for the purpose of operating or constructing a railroad, magnetic telegraph line or street railway or express company, authorized or required by law to be recorded in said department, a fee of two hundred dollars to be paid when said charter is filed; provided, that if the authorized capital stock of said corporation shall exceed one hundred thousand dollars, it shall be required to pay an additional fee of fifty cents for each one thousand dollars authorized capital stock, or fractional part thereof, after the first.

For each and every charter, amendment or supplement thereto, of a private corporation intended for the support of public worship, any benevolent, charitable, educational, missionary, literary or scientific undertaking, the maintenance of a library, the promotion of painting, music or other fine arts, the encouragement of agriculture or horticulture, the maintenance of public parks, the maintenance of a public cemetery not for profit, a fee of ten dollars to be paid when the charter is filed.

For each and every charter, amendment or supplement thereto, of a private corporation created for any other purposes intended for mutual profit or benefit, a fee of fifty dollars shall be paid when said charter is filed provided, that, if the capital stock of said corporation issued and outstanding shall exceed ten thousand dollars, it shall be required to pay an additional fee of ten dollars for each additional ten thousand dollars of its authorized capital stock, or fractional part thereof, after the first, and provided further that such fee shall not exceed the sum of twenty-five hundred dollars.

For each commission to every officer elected or appointed in this State, a fee of one dollar; and each and every State, district, county and precinct officer elected or appointed in this State is required to apply for and receive his commission; provided, that the Secretary of State shall not be required to forward copies of laws to nor attest the authority of any officer in this State who fails or refuses to take out his commission as required herein.

For each official certificate, a fee of one dollar.

For each warrant of requisition, a fee of two dollars.

For every remission of fine or forfeiture, one dollar.

For copies of any paper, document or record in his office for each one hundred words, fifteen cents.

For each and every charter, amendment or supplement thereto, taken out under Chapter 16, Title 25, Revised Statutes, (channel and dock corporations), a fee of two hundred dollars shall be paid to the Secretary of State for the use and benefit of the State, which shall be paid when the charter, amendment or supplement thereto is filed for record.

For each foreign corporation obtaining permit to do business in this State, there shall be paid to the Secretary of State as permit fees the following: Fifty dollars for the first ten thousand dollars of its capital stock issued and outstanding and ten dollars for each additional ten thousand dollars or fractional part thereof; provided, that in no event shall such fee exceed the sum of twenty-five hundred dollars; provided, that the fee required to be paid by any foreign corporation for a permit to engage in the manufacture, sale, rental, lease or operation of all kinds of cars, or to engage in conducting, operating or managing any telegraph line in the State, shall in no event exceed the sum of twenty-five hundred dollars; and provided further that mutual building and loan companies, so called, whose stock is not permanent, but withdrawable, shall pay a fee of fifty dollars for the first one hundred thousand dollars or fractional part thereof of its capital stock issued and outstanding and ten dollars for each additional one hundred thousand dollars or fractional part

thereof and where the company is a foreign one, then the fee shall be based upon the capital invested in the State of Texas.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. The near approach of the end of the present session and the fact that the Article of the Revised Statutes herein amended has operated to discourage foreign corporations of large capital from doing business within the State and has resulted in great loss to the treasury of the State of Texas as well as the people thereof creates an emergency and an imperative public necessity for the suspension of the constitutional rule providing that bills shall be read on three successive days requiring that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Joint Resolution No. 3 and find it correctly enrolled, and have this day at 9:30 p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Hopkins.

S. J. R. No. 3.

Proposed amendment to the State Constitution authorizing the levy of a special tax of not exceeding seventy-five cents on the one hundred dollars valuation, and a special vehicle tax of not exceeding one dollar on the one hundred dollars valuation for the improvement and maintenance of public roads.

A Joint Resolution proposing and submitting to a vote of the people of Texas an amendment to Section 9, Article VIII, of the Constitution of the State of Texas, authorizing the levy of a special tax of not exceeding seventy-five cents on the one hundred dollars valuation and a vehicle tax of not exceeding one dollar on the one hundred dollars valuation for the improvement and maintenance of public roads:

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 9, Article VIII, of the Constitution of the State of Texas, be amended so as to hereafter read as follows, to wit:

Section 9. The State tax on property exclusive of the tax necessary to pay the public debt, and of the taxes provided for the benefit of the public free schools shall never exceed thirty-five cents on the one hundred dollars valuation; and no county, city or town shall levy more than twenty-five cents for city and county purposes, and not exceeding fifteen cents for roads and bridges and not exceeding fifteen cents to pay jurors on the hundred dollars valuation, except for the payment of debts incurred prior to the adoption of the amendment September 25, 1883, and for the erection of public buildings, streets, sewers, water works, and other permanent improvements not to exceed twenty-five cents on the one hundred dollars valuation in any one year except as is in this constitution otherwise provided; and a majority of the qualified voters of any county, any political subdivision of a county, now created or that may hereafter be defined by the commissioner's court of said county, which may or may not include towns, villages or municipal corporations, who have been assessed or paid a property tax, may at an election held for that purpose, vote a special tax of not exceeding seventy-five cents on the one hundred dollars valuation on the property subject to taxation in such county, or subdivision thereof, (and in addition to all other taxes, a special tax of not exceeding one dollar on the one hundred dollars valuation on all vehicles that travel upon the public roads and streets, except animal drawn vehicles with tires not less than three and thirteenth-sixteenth inches in width, for the further improvement and maintenance of the public roads; and provided that either or both of said levies may be made in any such county or subdivision thereof;) and provided further that no part of such tax shall be available to pay any indebtedness incurred prior to the current year for which said tax is collected; and the Legislature may pass local laws for the maintenance of the public roads and highways without local notices required for special or local laws.

Sec. 2. The Governor is hereby directed to issue the necessary proclamation for submitting this amendment to the Constitution to the qualified voters of the State of Texas, on the third Saturday in August, A. D., 1917, the same being the 18th day of said month.

Those favoring this amendment shall have written or printed on their ballots the words: "For the amendment of Section 9, Article VIII, of the Constitution of the State of Texas, authorizing special taxes for public road improvement." And those opposed to such amendment shall have written or printed on their ballots the words: "Against the amendment to Section 9, Article VIII, of the Constitution of the State of Texas, authorizing special taxes for public road improvement."

Sec. 3. The sum of five thousand dollars, or so much thereof as is necessary, is hereby appropriated to pay the expenses of carrying out the provisions of this resolution.

Committee Room,

Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 167 and find it correctly enrolled, and have this day at 9:30 p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Smith.

S. B. No. 167.

An Act to provide whole family protection for members of Fraternal Benefit Societies, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any Fraternal Benefit Society authorized to do business in this State and operating on the lodge plan, may provide in its constitution and by-laws, in addition to other benefits provided for therein, for the payment of death or annuity benefits upon the lives of children between the ages of two and eighteen years at next birthday, for whose support and maintenance a member of such Society is responsible. Any such Society may at its option organize and operate

branches for such children and membership in local lodges and initiation therein shall not be required of such children, nor shall they have any voice in the management of the Society. The total benefits payable as above provided shall in no case exceed the following amounts at ages at next birthday at time of death, respectively as follows:

Between the ages of	Amount
2 and 3	\$ 34.00
3 and 4	40.00
4 and 5	48.00
5 and 6	58.00
6 and 7	140.00
7 and 8	160.00
8 and 9	200.00
9 and 10	240.00
10 and 11	300.00
11 and 12	380.00
12 and 13	460.00
13 and 16	520.00
16 and 18	600.00

Sec. 2. No benefit certificates as to any child shall take effect until after medical examination or inspection by a licensed medical practitioner, in accordance with the laws of the society, nor shall any such benefit certificate be issued unless the society shall simultaneously put in force or have in force at time of issue of said certificate at least five hundred such certificates, on each of which at least one assessment has been paid, nor where the number of lives represented by like certificates falls below five hundred. The death benefit contributions to be made upon such certificate shall be based upon the "Standard Industrial Mortality Table" or the "English Life Number Six" and a rate of interest not greater than 4 per cent per annum, or upon a higher standard; provided that contributions may be waived or returns may be made from any surplus held in excess of reserve and other liabilities, as provided in the by-laws, and provided further that extra contributions shall be made if the reserves hereafter provided for become impaired.

Sec. 3. Any society entering into such insurance-agreement shall maintain on all such contracts the reserve required by the standard of mortality and interest adopted by the society for computing contributions, as provided in Section 2, and the

funds representing the benefit contributions and all accretions thereon shall be kept as separate and distinct funds, independent of the other funds of the society, and shall not be liable for nor used for the payment of the debts and obligations of the society other than the benefits herein authorized; provided, that a society may provide that when a child reaches the minimum age for initiation into membership in such society any benefit certificate issued hereunder may be surrendered for cancellation and exchanged for any other form of certificate issued by the society, provided that such surrender will not reduce the number of lives insured in the branch below five hundred, and upon the issuance of such new certificate any reserve upon the original certificate herein provided for shall be transferred to credit of the new certificate. Neither the person who originally made application for benefits on account of such child, nor the beneficiary named in such original certificate, nor the person who paid the contribution, shall have any vested right in such new certificate, the free nomination of a beneficiary under the new certificate being left to the child so admitted to benefit membership.

Sec. 4. An entirely separate financial statement of the business transactions and of assets and liabilities arising therefrom shall be made in its annual report to the Commissioner of Insurance and Banking by any society availing itself of the provisions hereof. The separation of assets, funds and liabilities required hereby shall not be terminated, rescinded or modified, nor shall the funds be diverted for any use other than as specified in Section 3, as long as any certificates issued hereunder remain in force, and this requirement shall be recognized and enforced in any liquidation, reinsurance, merger, or other change in the condition of the status of the society.

Sec. 5. Any society shall have the right to provide in its laws and the certificate issued hereunder for specified payments on account of the expense or general fund, which payments shall or shall not be mingled with the general fund of the society as its constitution and by-laws may provide.

Sec. 6. In the event of the termination of membership in the society

by the person responsible for the support of any child, on whose account a certificate may have been issued, as provided herein, the certificate may be continued for the benefit of the estate of the child, provided, the contributions are continued, or for the benefit of any other person responsible for the support and maintenance of such child, who shall assume the payment of the required contribution.

Sec. 7. The fact that the regular Legislative session will likely last but sixty days, that the calendar is already in a crowded condition, and that it is essential to the welfare of the people of this State that this measure shall at once become effective, creates an emergency and an imperative public necessity, requiring that the constitutional rule which provided that bills shall be read on three several days shall be suspended, and said rule is hereby suspended, and this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 17, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 343 and find it correctly enrolled, and have this day at 9:30 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Hudspeth.

S. B. No. 343.

An Act to amend Articles 7282, 7283, 7284, 7285, 7286, 7287 and 7289, of Chapter Seven, Title 124, of the Revised Civil Statutes of Texas, 1911, providing for the protection of stock raisers in certain localities, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 7282, 7283, 7284, 7285, 7286, 7287 and 7289 be amended so as to hereafter read as follows, to wit:

Article 7282. Hides imported from Mexico.—The hides of all cattle imported into this state from Mexico shall be inspected by the inspector of hides and animals of any county or district into which the same may be introduced or imported; and, should the importer of said hides fail or re-

fuse to place such hides in a position where the same may be inspected by said inspector, or if said hides are found by said inspector to be folded or booked in such a manner as that the same may not be inspected without injury to said hides, then it shall be the duty of said inspector to take possession of such hides and have the same treated in such a manner as will enable him to unfold the same without injury thereto, provided, however, that such inspector shall not be held liable for any damage which may accrue to such hides by reason of the treatment thereof for the purpose of enabling him to inspect the same and such treatment as may be necessary to enable the inspector to unfold and inspect such hides shall be wholly at the risk of the importer or person in whose possession such hides may be found, and in addition to the inspection fees allowed such inspector for the inspection of said hides, there shall be paid by the importer or the person in whose possession said hides may be found after importation, all expenses incurred by said inspector in the treatment of said hides, for the purpose of enabling him to inspect the same as provided in this Article, such expenses to include drayage and freight charges and all expenses for handling and treatment of said hides, and if the importer or the person in whose possession said hides may be found after importation, shall fail or refuse to pay said expenses for treatment, or if he shall fail or refuse to pay the inspection fees as required by law, the inspector is hereby authorized to retain possession of said hides and sell a sufficient number thereof, after public notice of three days, to the highest and best bidder, to pay said inspection fees and all necessary expenses in connection therewith.

Article 7283. Horses, Mules and Cattle.—Horses and mules and cattle imported from Mexico into this State shall be inspected in accordance with the provisions of Article 7267, and with like authority to retain and sell as provided in Article 7282 for a failure to pay the inspection fees.

Article 7284. Suspicious Hides and Animals to be Seized.—Should an inspector of hides and animals find among hides or animals import-

ed from Mexico any hides or animals which, from the brand or from other evidence, he has reason to believe have been stolen from the lawful owner, it shall be his duty to separate said hides or animals from the others undergoing inspection and take possession of the same, and to notify any person he believes to be interested therein to come forward and institute suit for the recovery of the same.

Article 7285. Procedure Upon Seizure.—Should no person appear to claim hides or animals, the inspector shall within twenty-four hours, make oath before the district judge, the county judge, or any justice of the peace of the county, according to the value of the property involved, that he has reason to believe that said hides or animals have been stolen; whereupon said judge or justice of the peace shall issue a citation, directing the importer or party claiming the same to appear before him at his office within a time specified, not to exceed twenty-four hours, to show cause why said property should not be condemned.

Article 7286. Importer to Recover on Proof.—Should said importer or claimant make proof that he is the lawful owner of said hides or animals by showing a bill of sale from the owner of same, or his legally authorized agent, and by showing complete chain or transfer of title from the original owner of the brand to himself, or his firm, as the case may be, such judge or justice of the peace shall direct that the same be delivered to said importer or claimant upon his paying the inspection fees.

Article 7287. Hides or Animals to be Sold if Not Proven Away.—Should the importer or claimant of said hides or animals fail to establish his claim as the lawful owner of the same, or to any number of said hides or animals so seized, it shall be the duty of the district judge, county judge or justice of the peace to direct that said property be sold at public auction by the inspector of hides and animals or his deputy, after a notice of ten days, published in a newspaper, should there be one published in said county, or if no newspaper be published in the county, then by notice in writing, posted at the court house and two or more other places in said county, and the

said hides shall be sold to the highest and best bidder.

Article 7289. Property to be Delivered to True Owner, etc.—Should any person appear either by himself, his agent or attorney, and claim any hides or animals imported from Mexico at any time before the same shall have been sold as above directed, and should said claim be established before such judge or justice of the peace of said county, such property shall be delivered to the claimant, and all costs accruing therein shall be paid by the importer, provided, that at any time before proceedings shall have been commenced as above directed, the importer may be permitted to pay the lawful owner, his agent or attorney, for any hides or animals imported by him from Mexico and presented in any county of this State for inspection, and upon such payment, and the fees of inspection, such hides or animals shall be released.

Sec. 2. The law as it now exists, being inadequate to cover the inspection of hides and animals imported from Mexico, creates an emergency and an imperative public necessity requiring that the constitutional requirement that a bill be read on three several days be suspended, and the same is hereby suspended, and that this Act take effect from and after its passage, and it is so enacted.

APPENDIX B.

By Veatch.

H. B. No. 526.

A BILL To Be Entitled

An Act to amend Article 1460, Chapter 2, Title 29, of the Revised Civil Statutes of 1911, and amended by the Thirty-fourth Legislature, page 203, providing for the appointment and compensation of county auditors in counties having a population of forty thousand inhabitants, according to the last United States census, or having a tax valuation of eighteen million dollars, according to the last approved tax rolls; also to add Article 1460a, providing that county auditors may be appointed in counties having a less population than forty thousand inhabitants or having a tax valuation of less than eighteen million dollars; also to amend Article 1461, Chapter 2,

Title 29, of the Revised Civil Statutes and amended by the Thirty-fourth Legislature, page 182, relating to the appointment of county auditors; also to amend Article 1462, Chapter 2, Title 29, of the Revised Civil Statutes of 1911, defining the qualifications of county auditors.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1460, Chapter 2, Title 29, of the Revised Civil Statutes of 1911, and amended by the Thirty-fourth Legislature, page 203, be so amended as to hereafter read as follows:

Article 1460. In any county of this State having a population of forty thousand inhabitants or over, according to the last United States census, or having a tax valuation of eighteen million dollars, or over, according to the last approved tax rolls, there may be appointed an auditor of accounts and finances, the title of said officer to be county auditor, who shall hold his office for two years and until his successor is appointed and qualified, and who shall receive, as compensation for his services, the sum of one hundred (\$100) dollars for each million dollars, or major portion thereof, of the assessed tax valuation, the annual salary to be computed from the last approved tax roll preceding his appointment, said annual salary shall not exceed twenty-four hundred (\$2400) dollars, to be paid monthly out of the general fund of the county upon an order of the commissioners court.

Sec. 2. That Article 1460a be added to read as follows:

Article 1460a. When the commissioners court of a county, not mentioned and enumerated in Article 1460, shall determine that an auditor is a public necessity in the dispatch of the county business and shall enter an order upon the minutes of said court, fully setting out the reasons and necessity of an auditor, and shall cause said order to be certified to the judge, or judges, of the district court, or courts, having jurisdiction in the county, said judge, or judges, shall, if such reasons of the commissioners court be considered good and sufficient, appoint a county auditor, said appointment to be confirmed by the commissioners court of the county employing said auditor, as pro-

vided in Article 1461, who shall qualify and perform all the duties required of county auditors by the laws of this State; provided, said judge or judges shall have the power to discontinue the office of county auditor at any time after the expiration of one year, when it is clearly shown that such auditor is not a public necessity and his services are not commensurate with his salary received.

Sec. 3. That Article 1461, Chapter 2, Title 29, of the Revised Civil Statutes of 1911, and amended by the Thirty-fourth Legislature, page 182, be so amended as to hereafter read as follows:

Article 1461. The judge or judges of the district court or courts having jurisdiction in the county, shall appoint the auditor provided for in this Act, at a special meeting held for that purpose, a majority ruling; provided, that in the event there is more than one district judge, and such judges shall fail to agree upon the selection of some person as auditor, then either of said judges shall certify such fact to the Governor of the State, who shall thereupon designate and appoint some other district judge of the State to act and vote with the aforesaid judges in the selection of such auditor. The action shall then be recorded in the minutes of the district court of the county and the clerk thereof shall certify the same to the commissioners court, which shall cause the same to be recorded in its minutes, together with an order directing the payments of the auditor's salary.

Sec. 4. That Article 1462, Chapter 2, Title 29, of the Revised Civil Statutes of 1911, be and the same is hereby amended so as to hereafter read as follows:

Article 1462. The auditor to be appointed shall be a citizen of the county of at least two years residence, and must be a man of unquestionable good moral character and intelligence, thoroughly competent in public business details; he must be a competent accountant, who has had at least two years experience in auditing and accounting. The judges empowered with this appointment must carefully investigate

and consider the qualifications of said person before appointment; provided, that in the event no citizen of the county can be procured, who is qualified under the provisions of this Article, the said judge or judges may appoint a qualified citizen from another county of this State.

Sec. 5. That Article 1467a be added to read as follows:

Article 1467a. It shall be the duty of the auditor to install in his office a school ledger and keep in this ledger an accurate account of all funds received and all funds disbursed by the common school districts of his county. He shall also install in his office a bond register showing all the school bonds issued by the common schools of his county, the rate of interest they bear, the date they were issued, the date they are to be paid, and he shall also keep an interest and sinking fund account of school bonds of each common school district of his county.

Sec. 6. That Article 1468 be added to read as follows:

Article 1468. Access to and right to examine accounts, orders of commissioners' court, all vouchers given by trustees of common school districts. He shall have continual access to and shall examine all the books, accounts, reports, vouchers and other records of any of the officers, the orders of the commissioners court relating to finances of the county and also to examine all vouchers given by the trustees of all common school districts of the county and to inquire into the correctness of the same.

Sec. 7. The fact that there is no law authorizing the appointment of county auditors in counties having a less population than forty thousand inhabitants, or having therein a city of twenty thousand population, and there being a number of other counties in this State in which the volume of business is sufficient to make such an officer a public necessity, creates an emergency and an imperative necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this Act take effect and be in full force and effect from and after its passage, and it is so enacted.

FIFTY-FOURTH DAY.

Senate Chamber,
Austin, Texas.

Monday, March 19, 1917.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

By unanimous consent the Chair announced that the Senate would stand at ease for ten minutes, at the expiration of which time the roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.

Absent.

Harley.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Johnston of Harris.

Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Suiter:

S. B. No. 493, A bill to be entitled "An Act to establish at Gilmer, Upshur County, Texas, a Junior Agricultural, Mechanical and Industrial College, to be known as the Culbertson Vocational College, making an appropriation therefor, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Parr:

S. B. No. 494, A bill to be entitled "An Act creating the San Diego In-